

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TACTICAL INFRASTRUCTURE S.A.,

Plaintiff,

- against -

APEX ENERGY ALTERNATIVE RESOURCES,  
INC., ET AL.,

Defendants.

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24-cv-2307 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

The defendants, Apex Energy Alternative Resources, Inc. ("Apex") and Robert S. Willoughby, have moved to join Uri Ansbacher as a counterclaim defendant pursuant to Federal Rules of Civil Procedure 13(h) and 19 (or, in the alternative, Rule 20). See ECF Nos. 40, 45, 49, 63. The plaintiff, Tactical Infrastructure S.A. ("Tactical"), has not opposed the motion.

Rule 13(h) provides that "Rules 19 and 20 govern the addition of a person as a party to a counterclaim or crossclaim." Fed. R. Civ. P. 13(h). Rule 19 governs the required joinder of parties. Fed. R. Civ. P. 19. Rule 20, which governs the permissive joinder of parties, permits the joinder as defendants of all persons against whom is asserted any claim "arising out of the same transaction, occurrence, or series of transactions or occurrences" if "any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20(a).

In this case, because the defendants seek to assert the same counterclaims against Ansbacher as the defendants have asserted against the plaintiff, Tactical, the requirements of Rule 20(a) are satisfied. Furthermore, joining Ansbacher would not deprive the Court of diversity jurisdiction.<sup>1</sup> Accordingly, Ansbacher may be joined as a counterclaim defendant pursuant to Rules 13(h) and 20(a). The defendants' motion to join Ansbacher is therefore **granted**. Ansbacher has the opportunity to respond to the counterclaims against him.

The Clerk is respectfully requested to close ECF Nos. 40, 45, 49, and 63.

**SO ORDERED.**

**Dated: New York, New York  
June 5, 2025**



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**John G. Koeltl  
United States District Judge**

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<sup>1</sup> Ansbacher is a citizen of Israel and maintains his principal residence in Israel. Am. Ans. & Counterclaims ¶ 115, ECF No. 56. Plaintiff Tactical is a Panama corporate entity with its principal place of business in Panama. Am. Compl. ¶ 2, ECF No. 32. Defendant Apex is a Delaware corporation with a principal place of business in New York. Id. ¶ 3. Defendant Willoughby is a resident of New York. Id. ¶ 4. The Court assumes that Willoughby is a citizen of New York.